

REMARKS

35 U.S.C. § 102(b) - Migliaccio

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as anticipated by Migliaccio (US 6,847,802).

The Assignee amends claim 1 to include an operator interface operable to report signal strength of the operator designated program located in the first incoming signal and accept an activation signal that directs the receiver to switch reception to the first incoming signal. The Specification discloses indicating the signal strength of an incoming signal to an operator through an operator interface and allowing the operator to instruct the receiver to select the designated program (Specification, paragraph 40, lines 23-26).

Migliaccio does not report the signal strength of an incoming signal to the operator; nor does it allow the operator to select one or the other incoming signals. Migliaccio, therefore, does not disclose all the features of claim 1. For these reasons, Assignee respectfully submits that Migliaccio does not anticipate Claims 1-4, and respectfully requests that the Examiner withdraw the §102(b) rejection.

35 U.S.C. § 102(b) - Cvetkovic

Claims 7, 9, 12-15, 18-19, 22-24, and 30-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cvetkovic et al. (US 6,141,536). Assignee amends independent claim 7, 13, and 18 to include an operator interface operable to report signal strength of the designated program and accept an activation signal that directs the receiver to switch reception to the designated program, or to include the corresponding method step.

Cvetkovic does not disclose reporting the signal strength of an incoming signal to the operator, or receiving an activation signal from the operator in response to a signal strength report to direct the receiver to select the designated program. Instead, Cvetkovic discloses two tuners which locate the same user selected program at different frequencies. When the same user selected program is located, Cvetkovic combines the two tuner output signals according to their relative signal quality when in a diversity mode, or isolates one of the tuner

output signals when in a non-diversity mode. (See Cvetkovic, col. 2, lines 5-10). A controller selects between the diversity and non-diversity modes. Cvetkovic does not report the signal strength of the tuner output signals to the operator; nor does it allow the operator to select one or the other tuner output signal. Cvetkovic, therefore, does not disclose all the features of claims 7, 13, or 18.

Claim 7 as well as claim 15 also recite signaling circuitry that is not disclosed in Cvetkovic. As described in the Specification, the signaling circuitry alerts the operator when a receiver locates designated programming (Specification, paragraph 41, lines 27-29). Cvetkovic does not alert the operator when designated programming is located. The Office Action asserted that Cvetkovic's switching circuit (25) discloses the signaling circuitry of claim 7. However, the Assignee respectfully submits that the switching circuit (25) instead receives a control signal from a control bus which selects between various multiplex signals for input to a demodulator (Cvetkovic, col. 3, lines 19-24). The switching circuit (25) does not alert an operator that any designated programming has been located.

Independent claims 22 and 30 also recite indicating signal strength of the designated program to an operator and requesting an authorization from the operator to switch the designated program to the first program receiver. The Specification discloses requesting authorization to switch programs through an operator interface (Specification, paragraph 67, lines 21-22). As discussed above, Cvetkovic does not disclose reporting the signal strength of the designated program to the operator. Cvetkovic is also silent on requesting authorization from the operator to switch programs.

The Office Action asserts that Cvetkovic anticipates claim 9 under 35 U.S.C. § 102(b). Claim 9, however, depends from claim 8, which is not anticipated by Cvetkovic. Claims 8 and 9 recite operator specified program preference data, which is not disclosed in Cvetkovic.

For these reasons, Assignee respectfully submits that Cvetkovic does not anticipate Claims 7, 9, 12-15, 18-19, 22-24, and 30-33, and respectfully requests withdrawal of the 102(b) rejection.

35 U.S.C. § 103

Claims 5-6, 8, 10-11, 16-17, 20-21, and 25-29 were rejected under 35 U.S.C. § 103(a) as unpatentable over different combinations of Migliaccio (US 6,847,802), Cvetkovic et al. (US 6,141,536), Ellis et al. (US 2003/0020223), and Seto et al. (US 2002/0120943).

As noted above, Migliaccio does not teach or suggest an operator interface operable to report signal strength of the operator designated program located in the first incoming signal and accept an activation signal that directs the receiver to switch reception to the first incoming signal. The references asserted in the § 103 rejection of claims 5 and 6 do not make up for the deficiencies in Migliaccio. Thus, the even assuming motivation to make the asserted combinations, the combinations would not teach or suggest the subject matter of claims 5 and 6. Therefore, Assignee respectfully requests withdrawal of the § 103 rejection of claims 5 and 6.

As noted above, Cvetkovic does not teach or suggest an operator interface operable to report the signal strength of the designated program and accept an activation signal that directs the receiver to switch reception to the designated program. The references asserted in the § 103 rejection of claims 8, 10-11, 16-17, 20-21, and 25 do not make up for the deficiencies in Cvetkovic. Thus, the even assuming motivation to make the asserted combinations, the combinations would not teach or suggest the subject matter of claims 8, 10-11, 16-17, 20-21, and 25. Therefore, Assignee respectfully requests withdrawal of the § 103 rejection of claims 8, 10-11, 16-17, 20-21, and 25.

With respect to claims 26-29, independent claim 26 was rejected as unpatentable over Cvetkovic in view of Ellis. Claim 26 recites reporting signal strength of the designated program and receiving an activation signal that directs a receiver to switch reception to the designated program. As discussed above, Cvetkovic does not disclose reporting the signal strength of the designated program to the operator or receiving an activation signal from the operator in response to a signal strength report directing the receiver to switch reception to the designated program. Ellis similarly does not disclose indicating the signal strength of a designated program to the operator. The Cvetkovic-Ellis combination, therefore, does not disclose all the features of claims 26-29.

For these reasons, the Assignee respectfully submits that claims 5-6, 8, 10-11, 16-17, 20-21, and 25-29 are patentable over the combinations asserted in the Office Action, and respectfully requests withdrawal of the 103 rejection.

Summary

Alone or in the asserted combinations, the cited references fail to teach or suggest the claimed subject matter. Assignee therefore respectfully requests withdrawal of the rejections and allowance of the claims. Assignee invites the Examiner to contact the undersigned attorney via telephone if the examiner has any questions, comments, or concerns, or if a telephone conference would expedite examination of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rickard K. DeMille", written over a horizontal line.

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